

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Dickey *et al.* Confirmation No.: 5538
Appl No.: 10/675,011 Group Art Unit: 1638
Filed: September 30, 2003 Examiner: Zheng, Li
For: EXPRESSION OF BIOLOGICALLY ACTIVE POLYPEPTIDES IN DUCKWEED

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action dated January 26, 2007, in which the Examiner has required a further restriction with regard to the pending claims in the above-referenced application. Thus, Applicants are required to elect either the method claims, i.e., claims 44-81, or the product claims, i.e., claims 82-84. It is understood that if the product claims are elected, and subsequently found to be allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim(s) will be considered for rejoinder.

As an initial matter, Applicants wish to thank the Examiner for the helpful advice during the telephone conversation with Applicants' representative on February 22, 2007. As noted during that conversation, if the product claims are elected, the restrictions imposed upon the method claim from which the product claims depend, i.e., claim 44, will carry over to the product claims. Thus, Applicants will be required to elect a single disclosed ribulose-bis-phosphate carboxylase small subunit (RbcS) 5' translation leader sequence, i.e., that set forth in SEQ ID NO:16. Further, Applicants will be required to select a single species of polypeptide to be chosen from α -2b-interferon, human growth hormone, and antibody, to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicants hereby elect without traverse to prosecute the product claims, i.e., claims 82-84, and expressly reserve the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining method claims.

In accordance with the election of the product claims, Applicants elect without traverse the 5' translation leader sequence set forth in SEQ ID NO:16. Further, Applicants select without traverse the antibody as the species of polypeptide. Claims 82-84 are readable thereon. It is understood that upon allowance of a generic product claim, Applicants will be entitled to

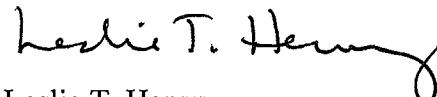
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consideration of claims to additional polypeptide species provided that these claims are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. §1.141.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

It is not believed that extensions of time are required. However, in the event that extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR §1.136(a), and any fee required therefore is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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